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EXAMINER

HAMILTON, MONPLAISIR G

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2172

DATE MAILED: 03/10/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,118

Applicant(s)

AVNER ET AL.

Examiner

Monplaisir G Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The communication filed on 1/6/04 amended Claims 1-6, 17-21 and 25. Claims 1-25 remain for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-16 and 18-24 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's amendment to the claims to include the following limitation: "such that implementation of the single high-level document command is changed even when the single is not in conflict with other high-level document commands". Upon careful review of the original disclosure, examiner finds no analogous reference pertaining the limitation cited above. Furthermore, there is no disclosure as to what the system will or will not do if there is a conflict with other high-level document commands. Examiner reminds applicant that amendments regarding negative limitations must be disclosed in the original disclosure. See MPEP 2173.05(i). Because the amendments do not have the necessary support, the *amendment to Claims 1-16 and 18-24 has not been entered.*

Response to Arguments

3. Applicant's arguments filed 1/6/04 have been fully considered but they are not persuasive.

Applicant argues: "with regard to the combined teachings of Beizer and Bredenberg, notifications are only sent when two conditions are met: 1) receiving an update and 2) detecting that the update conflicts with another update, which is contrasted with the presently claimed invention. Therefore, inasmuch as Beizer and Bredenberg are limited to teaching the transmission of notifications only upon satisfying the two specific conditions mentioned above, the references, when considered alone or in combination, specifically fail, to disclose or suggest the act of "notifying the one or more identified client applications that the single high-level document command meeting the certain criteria has been received," when the notification is triggered "solely as a result of receiving a single high-level document command," as recited in Claim 1."

Examiner agrees with applicant's statement about the disclosure of Beizer and Bredenberg. However, examiner maintains that the notification disclosed by Beizer is the direct result of receiving a single high-level command. Beizer explicitly discloses "the first user does not encounter any conflicts since the version of the WORKFOLDER on the server has not changed since it was opened. When a subsequent user saves, however, the WORKFOLDER program detects that the versions on the server is newer than the version the second user originally opened, and triggers attended reconciliation." (col 5, lines 45-60) Examiner believes that the second user's save command is equivalent to the claimed single high level document command. Moreover, after receiving this command the system begins reconciliation, which notifies the correct parties (col 5, lines 30-40; col 7, lines 1-10). The disclosed reconciliation process is equivalent to the claimed notification and operation/command modification. Examiner maintains the notifications disclosed by Beizer result solely from receiving a single

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save command. Therefore, the combined teachings of Beizer and Bredenberg renders the claimed invention unpatentable.

Applicant further argues: “[t]o reject a claim under 35 U.S.C. §103, the cited art must teach or suggest all of the disclosed claim limitations. Accordingly, Bredenberg and Beizer fail to obviate claim 1 for at least failing to teach or suggest a method for allowing client applications to control how a particular high-level document command is implemented, wherein a single high-level document command meeting certain criteria is received, prior to implementing the single high-level command identifying one or more client applications that are to be notified, prior to implementing the single high-level command notifying the one or more clients solely as a result of receiving the high-level document command, receiving modifying instructions from the one or more client applications, and altering one or more operations included in the high-level document command according to the modifying instructions, as recited in claim 1. The cited art also fails to anticipate claim 1 for at least the same reasons.”

Examiner disagrees with applicant. Beizer discloses a method for allowing client applications to control how a particular high-level document command is implemented (col 3, lines 10-20), wherein a single high-level document command meeting certain criteria is received (col 5, lines 45-60), prior to implementing the single high-level command identifying one or more client applications that are to be notified (col 7, lines 1-15), prior to implementing the single high-level command notifying the one or more clients solely as a result of receiving the high-level document command (col 5, lines 13-30, 45-55), receiving modifying instructions from the one or more client applications, and altering one or more operations included in the high-level document command according to the modifying instructions (col 11, lines 5-20). Since, Beizer discloses the above limitations examiner maintains that the combined teachings of Beizer and Bredenberg renders the claimed invention unpatentable.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, and 9-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,826,253 issued to Bredenberg, herein referred to as Bredenberg in view of US 6,240,414 issued to Beizer et al, herein referred to as Beizer.

Referring to Claims 1 and 19:

Bredenberg discloses in a database management system that includes a database engine that receives and implements high-level document commands, each high-level document command comprising one or more operations to be performed on a document (col 1, lines 35-55), a method for allowing client applications to control how a particular high-level document command is implemented, the method comprising the following: an act of receiving a high-level document command meeting certain criteria (col 1, lines 35-40; col 3, lines 5-20); prior to implementing the high-level document command, an act of identifying one or more client applications that are to be notified of the receipt of the-only high-level document commands meeting certain criteria (col 4, line 55-col 5, line 5).

Bredenberg does not explicitly disclose "prior to implementing the high-level document command, an act of notifying the one or more identified client applications that the high-level

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document command meeting the certain criteria has been received; an act of receiving instructions from the one or more client applications on how to affect the implementation of the high-level document command; and an act of following the received instructions when implementing the high-level document command for performing the one or more operations on the document, or not implementing the high-level document command at all if the received instructions so indicate.”

Beizer discloses prior to implementing the high-level document command, an act of notifying the one or more identified client applications that the high-level document command meeting the certain criteria has been received (col 5, lines 10-30; col 7, lines 4-8); an act of receiving instructions from the one or more client applications on how to affect the implementation of the high-level document command; and an act of following the received instructions when implementing the high-level document command for performing the one or more operations on the document, or not implementing the high-level document command at all if the received instructions so indicate (col 8, lines 39-45; col 11, lines 5-18).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Bredenberg such that the event notification process would notify clients of changes to the dataset prior to implementing the commands. One of ordinary skill in the art would have been motivated to do this because it would allow the system to know that the cached data is stale and needs to be updated, prior to implementing a client update (col 41, lines 5-40), or such that conflicts between updates from different client applications can be resolved (col 5, lines 20-25).

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Referring to Claim 17:

Bredenberg discloses a database management system that includes a database engine that accesses and updates objects in a database, the database engine receiving high-level document commands, each high-level document command for performing an operation on a document that is associated with a plurality of tables in the database (col 1, lines 35-55), a method for allowing client applications to control how a particular high-level document command is implemented in the database, the method comprising the following: an act of receiving a single high-level document command meeting certain criteria (col 1, lines 35-40; col 3, lines 5-20).

Bredenberg does not explicitly disclose “a step for allowing one or more client applications to affect how the single high-level document command is to be implemented, if at all, in the database, the step for allowing one or more client applications to affect how the received high level document command is to be implemented, including an act of identifying one or more client applications that are to be notified of the receipt of die-only high-level document commands meeting certain criteria, and an act of notifying the one or more identified client applications that a high-level document command meeting the certain criteria has been received prior to implementing the high-level document command and solely in response to receiving the single high-level document command”.

Beizer discloses a step for allowing one or more client applications to affect how the single high-level document command is to be implemented, if at all, in the database (col 8, lines 40-45; col 11, lines 10-20) the step for allowing one or more client applications to affect how the received high level document command is to be implemented, including an act of identifying one or more client applications that are to be notified of the receipt of only high-level document

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commands meeting certain criteria (col 6, lines 64-col 7, lines 10), and an act of notifying the one or more identified client applications that a high-level document command meeting the certain criteria has been received prior to implementing the high-level document command and solely in response to reviving the single high level document command (col 7, lines 40-60; col 5, lines 45-60).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Bredenberg such that the event notification process would notify clients of changes to the dataset prior to implementing the commands. One of ordinary skill in the art would have been motivated to do this because it would allow the system to know that the cached data is stale and needs to be updated, prior to implementing a client update (col 41, lines 5-40), or such that conflicts between updates from different client applications can be resolved (col 5, lines 20-25).

Referring to Claim 25:

Bredenberg discloses a database management system for implementing high level document commands for performing an operation on a document, each document being associated with a plurality of tables in an underlying database, the database management system comprising (col 7, lines 20-35): a database application that is configured to send high-level document commands (col 7, lines 20-35); a notification component that is configured to send a notification to any identified client application when a single high-level document commands meeting certain criteria are received by the database management system (col 4, line 55-col 5, line 5), and

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Bredenberg does not explicitly disclose “prior to implementation of any operation included in single high level document commands, notification being triggered solely as a result of receiving the single high-level document command; an instruction receiver module that is configured to receive instructions from the notified third party application on how to implement the high-level document commands; and a database engine configured to alter one or more operations included in the single high-level document according to the received instructions when implementing the single high-level document commands”.

Beizer discloses prior to implementation of any operation included in single high level document commands, notification being triggered solely as a result of receiving the single high-level document command (col 5, lines 45-60); an instruction receiver module that is configured to receive instructions from the notified third party application on how to implement the high-level document commands (col 5, lines 10-15; col 7, lines 4-10); and a database engine configured to alter one or more operations included in the single high-level document according to the received instructions when implementing the single high-level document commands (col 7, lines 20-60; col 8, lines 40-45).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teachings of Bredenberg such that the event notification process would notify clients of changes to the dataset prior to implementing the commands. One of ordinary skill in the art would have been motivated to do this because it would allow the system to know that the cached data is stale and needs to be updated, prior to implementing a client update (col 41, lines 5-40), or such that conflicts between updates from different client applications can be resolved (col 5, lines 20-25).

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Referring to Claims 2 and 20:

Bredenberg in view of Beizer discloses the limitations as discussed in Claims 1 and 19 above. Beizer further discloses, wherein the received instructions are for performing additional high-level document commands in addition to the received high-level document command (col 8, line 60-col 9, line 5).

Referring to Claims 3 and 21:

Bredenberg in view of Beizer discloses the limitations as discussed in Claims 2 and 20 above. Beizer further discloses, wherein the additional high-level document commands and the received high-level document command are implemented atomically in the database (col 8, lines 60-65).

Referring to Claim 4:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 3 above. Bredenberg further discloses, wherein the additional high-level document command and the received high-level document command are implemented atomically using a group operation (col 39, lines 10-25; col 40, lines 40-50).

Referring to Claim 5:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 1 above. Beizer further discloses, wherein the received instructions are for changing how the high-level

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document command is to be implemented in a database that is accessed by the database management system (col 8, lines 39-45).

Referring to Claim 6:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 1 above. Bredenberg further discloses, wherein the received instructions are for preventing the high-level document command from being implemented at all (col 40, lines 45-50).

Referring to Claim 9:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 1 above. Bredenberg further discloses, wherein the high-level document command is for moving the document (col 42, line 60-col 43, line 5).

Referring to Claim 10:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 1 above. Bredenberg further discloses, wherein the high-level document command is for deleting the document (col 43, lines 5-10).

Referring to Claim 11:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 1 above. Bredenberg further discloses, wherein the high-level document command is for copying the document (col 42, line 60-col 43, line 5).

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Referring to Claim 12:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 1 above. Bredenberg further discloses, wherein the high-level document command is for updating the document (col 43, lines 5-10).

Referring to Claim 13:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 1 above. Bredenberg further discloses, wherein the high-level document command is for adding the document (col 43, lines 5-10).

Referring to Claims 14 and 22:

Bredenberg in view of Beizer discloses the limitations as discussed in Claims 1 and 19 above. Bredenberg further discloses, wherein the act of notifying the one or more identified client applications comprises an act of transmitting a message to a machine that hosts the client application, the machine that host the client application being different than the machine that hosts the database management system (col 41, lines 5-20; Fig. 2; Fig. 3b).

Referring to Claims 15 and 23:

Bredenberg in view of Beizer discloses the limitations as discussed in Claims 1 and 19 above. Bredenberg further discloses, wherein the act of notifying the one or more identified client applications comprises an act of passing the notification through a function call to the identified client application, the client application hosted by the same machine as at least the

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portion of the database management system responsible for performing the act of notifying the client applications (col 8, lines 55-68).

Referring to Claim 16:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 1 above. Beizer further discloses, wherein the act of receiving instructions from the one or more client applications occurs prior to the act of receiving the high-level document command (col 5, lines 13-18).

Referring to Claim 18:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 17 above. Beizer further discloses, wherein the step for allowing one or more client applications to affect how the received high level document command is to be implemented further includes: an act of receiving instructions from the one or more client applications on how to affect the implementation of the high-level document command in the database; and an act of following the received instructions when implementing the high-level document command, or not implementing the high-level document command at all if the received instructions so indicate (col 8, lines 39-45; col 11, lines 10-20).

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Referring to Claim 24:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 17 above. Beizer further discloses, wherein the computer-readable media comprises one or more physical storage media (col 4, lines 60-65).

5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,826,253 issued to Bredenberg, herein referred to as Bredenberg in view of US 6,240,414 issued to Beizer et al, herein referred to as Beizer as applied to Claims 1-6, 9-25 above, and further in view of applicants admitted prior art (specification: Fig. 1, pages 2-4), herein referred to as Admission.

Referring to Claim 7:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 1 above. Beizer further discloses high-level document commands (col 1, lines 30-35; col 3, lines 5-10; col 9, lines 30-50).

Bredenberg in view of Beizer do not explicitly disclose, "wherein the high level document command is for performing an operation on an electronic mail message".

Admission discloses wherein the high level document command is for performing an operation on an electronic mail message (page 3, lines 8-12, 17-20).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teaching of Bredenberg in view of Beizer such that an electronic document represented in the DBMS is an electronic mail message. One of ordinary skill in the

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art would have been motivated to do this because it would provide a method for allowing conflicting updates of electronic mail messages to be resolved (Beizer: col 3, lines 5-10).

Referring to Claim 8:

Bredenberg in view of Beizer discloses the limitations as discussed in Claim 1 above. Beizer further discloses high-level document commands and a Workfolder (col 1, lines 20-25; col 17, lines 10-16).

Bredenberg in view of Beizer do not explicitly disclose, "wherein the high level document command is for performing an operation on a folder that contains electronic mail messages".

Admission discloses wherein the high level document command is for performing an operation on a folder that contains electronic mail messages (page 3, lines 8-12, 17-20).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the teaching of Bredenberg in view of Beizer such that the operations are performed on folders that contain electronic mail messages. One of ordinary skill in the art would have been motivated to do this because it would provide a method for allowing conflicting updates of folders containing electronic mail messages to be resolved (Beizer: col 3, lines 5-10).

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Final Rejection

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Monplaisir G Hamilton whose telephone number is (703) 305-5116. The examiner can normally be reached on Monday - Friday (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Monplaisir Hamilton


